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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/815,882

03/23/2001

Paul O. Detwiler

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26884

7590

03/02/2010

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EXAMINER

FRECH, KARL D

ART UNIT

PAPER NUMBER

2887

MAIL DATE

DELIVERY MODE

03/02/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/815,882	Applicant(s) DETWILER ET AL.	
	Examiner Karl D. Frech	Art Unit 2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-32, 41-43, 46-55 and 93-102 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 22-32, 41-43, 46-55 and 93-102 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's response filed 5/19/09 has been entered.
2. The disclosure is objected to because of the following informalities: in reissue applications, matter to be omitted by reissue must be enclosed in brackets and matter to be added by reissue must be underlined. The amendment filed 5/21/01 (i.e. the last amendment to the specification was filed on 5/21/01 to substitute col 1 lines 9-15 and col 1 lines 16-20) is improper since the matter deleted/omitted by reissue must be enclosed in brackets and matter to be added must be underlined pursuant 37 CFR 1.173(d).
3. The current claims are objected to because of the following informalities: In reissue applications, all claims which are added or amended must be wholly underlined. This underlining must be maintained throughout prosecution. See 37 CFR 1.173(b)(2) and (d) . Appropriate correction is required.
4. Further, each amendment must be accompanied by an explanation of the support in the disclosure of the patent for the amendment (i.e., support for all changes made in the claims. See MPEP 1453 II and 37 CFR 1.173(c). The amendment on 4/10/01 set forth an explanation of the support in the disclosure of the patent for the changes made to claims 36-58 only. Applicant should show where support in the disclosure for all the amended/added claims may be found, including now claims 93-102.
5. Appropriate correction is required.
6. Claims 22-32,41-43,46-55,93-102 would be allowed if the above objections were overcome.

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7. The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach or fairly suggest to one of ordinary skill in the art at the time of the invention fails to teach or fairly suggest to one of ordinary skill in the art, in conjunction with all the other limitations of the claims; re claim 22-32, these claims remain allowable for the same reasons as set forth in the parent application; re claims 41-43,46-55,93-102, the housing with a substantially vertical surface with a first aperture and a substantially horizontal surface with a second aperture, a single laser producing a laser beam within the housing, a polygon spinner with mirrored surfaces, a first, second and third group of pattern mirrors creating a first second and third group of scanning beams, further that the first subset, second subset, and third subset of mirrors of the first group, second group and third group of mirrors respectively, include a plurality of generally trapezoidal mirrors as in independent claims 41, 43, 102 and the method of use of this apparatus as defined in claims 46,52..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. This application is in condition for allowance except for the above listed formal matters.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D. Frech whose email address is karl.frech@uspto.gov. If attempts to reach the examiner by email are unsuccessful, the examiner's telephone number is (571) 272-2390. The examiner can normally be reached on maxi-flex.

If ALL attempts to reach the examiner are unsuccessful, the examiner's supervisor, Steven Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karl D Frech/
Primary Examiner, Art Unit 2887

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